



Crl.O.P.No.22718 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.09.2022

CORAM

THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

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Faizal @ Faizal Rahman @ Passing Faizal Son of IQBAL ... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Coimbatore CSCID Police Station.
Crime No.222 of 2022

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in Crime No.222 of 2022 on the file of
the respondent police pending investigation.

For Petitioner : Mr.S.Yogarajasekar

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl. Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 31.08.2022 for the offences punishable under Section 6(4) of TN Scheduled Commodities (RDCS) Order, 1982 and Section 7(1)(a)(ii) of Essential Commodities Act, 1955, in Crime No.222 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on receipt of a secret information, when the respondent police conducted search in vehicles, the petitioner and the other accused illegally transported 11,000 Kgs of PDS rice worth of Rs.62,000/-. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case based on the confession statement given by the other arrested accused. He would further submit that no recovery has been made from the petitioner. He would also submit that without prejudice to his contentions, the petitioner is



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prepared to deposit a sum of Rs.25,000/- to any Welfare Scheme of the Government Therefore, he prays for grant of bail to the petitioner.

4. Per contra, the learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner and the other accused illegally transported 11,000 Kgs of PDS rice worth of Rs.62,000/-. He would also submit that there are two previous cases as against the petitioner. Therefore, he vehemently opposed to grant bail to the petitioner.

5. Heard both the learned counsel and perused the materials available on record.

6. In order to curb the illegal activities of transporting PDS rice, this Court is of the opinion that the petitioner shall deposit a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** as non refundable deposit to "the District Revenue Officer, Coimbatore District," without prejudice to his rights and contentions before the trial Court. However, it is made clear that merely, because the petitioner deposits the said amount, it would not amount to



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admission of his guilt. Therefore, it is open to the trial Court to deal with the case independently.

7. Taking into consideration the facts of the case and the submissions made by the learned counsel and also taking note of the fact that the petitioner has prepared to deposit Rs.25,000/- to any welfare scheme of the Government, this Court is inclined to grant bail to the petitioner with certain conditions.

8. Accordingly, the petitioner is directed to **deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) by way of Demand Draft to the "District Revenue Officer, Coimbatore District"**, without prejudice to his rights and contentions before the trial Court, on such deposit and production of proof, the petitioner is ordered to be released on bail on his executing a bond each for a sum of **Rs.25,000/- (Rupees Twenty Five thousand only)** with **two sureties**, for a like sum to the satisfaction of the **learned Judicial Magistrate IV, Coimbatore**, and on further conditions that:

[a] the sureties shall affix their photographs and



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Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner shall report before the respondent Police daily at 10.30 a.m., until further orders;

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioner shall not abscond either during investigation or trial;

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**;

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

20.09.2022

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To

1. The Judicial Magistrate IV,
Coimbatore.
2. The Inspector of Police,
Coimbatore CSCID Police Station.
3. The Superintendent,
Central Prison,
Coimbatore.
4. The Public Prosecutor,
High Court of Madras.

A.D.JAGADISH CHANDIRA., J.



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